

REMARKS

Claims 1, 3, 4, 7, 11, 20, and 23 are pending in the above-identified application. Of these, no claims have been canceled, Claim 1 has been amended, and no claims have been added, leaving Claims 1, 3, 4, 7, 11, 20, and 23 for consideration upon entry of this amendment.

Allowable Subject matter

Applicants note and wish to thank the Examiner for the indication of allowable subject matter in all pending claims, which though rejected as indefinite under 35 U.S.C. 112, second paragraph below, would be allowable if amended to overcome the indefiniteness rejection.

Applicants have amended claim 1 to overcome this rejection with this response, and accordingly, respectfully request reconsideration and allowance of all claims.

Amendments to Specification

The Specification has been amended in the paragraphs beginning on p. 4, about line 11, on p. 16, about line 6, and on p. 28, about line 9, to correct inadvertent typographical errors. No new matter has been introduced by these amendments.

Amendments to Claims under 37 C.F.R. 1.116 and Examiner Interview

Claim 1 has been amended to clarify the following, that

1.) the continuous acryl rubber core of B(i) is prepared by emulsion polymerization reaction between 0.01 to 10 parts by weight of the acryl seed latex of (A)-based on total weight of the impact modifier, 57.07 to 79.40 parts by weight of an alkyl acrylate having an alkyl group of 1 to 8 carbon atoms, and 0.43 to 0.60 parts by weight of a cross-linking monomer, based on the weight of the entire impact modifier.

2.) the discrete silicone rubber core of (B)(ii) is prepared by swelling a cyclic organosiloxane precursor of: 0.98 to 24.50 parts by weight of a 3 to 7 member cyclic organosiloxane, 0.15 to 0.38 parts by weight of an organosiloxane cross-linking agent having an alkyl group of 3 or more carbon atoms, and 0.05 to 0.45 parts by weight of an organosiloxane graft-linking agent, based on the weight of the entire impact modifier.

3.) the graft shell of (C) is prepared by emulsion graft polymerization reaction of 60 to 94 parts by weight of the core (B)-of total weight of the impact modifier, 7.5 to 20 parts by weight of an alkyl methacrylate having an alkyl group of 1 to 4 carbon atoms, and 0.1 to 20 parts by

weight of one or more compounds selected from the group consisting of methylacrylate, ethylacrylate, butylacrylate, acrylonitrile, and methacrylonitrile, based on the weight of the entire impact modifier.

Support for these amendments can be found in the Specification at least in the Examples 1-27, summarized in Tables 1-5, in which it can be seen that the total weight of the monomers used (and as claimed above) is equal to the total weight of the impact modifier.

The amendments are required by the Examiner who has indicated that the claims are otherwise allowable, and the amendments are being made to place the claims in condition for allowance based on the Examiner's alternatives as to whether the claimed weights were based on individual subcomponents of the impact modifier, or the weight of the entire impact modifier. A brief telephonic interview was held with the Examiner (Lenihan) on the above case on June 9, 2011, during which Applicant's agent (Gronbeck) proposed the above amendment language to Claim 1 to address the outstanding rejection under 35 U.S.C. 112, second paragraph. The Examiner confirmed that the above language of these amendments, as written above, should be acceptable and should address the Examiner's concerns.

As Applicants have thus amended Claim 1 to specify that the amounts of the components are based on the weight of the entire impact modifier, for which support can be found in Claim 1 where it states already "based on the total weight of impact modifier" by which Applicants understand this phrase to have the same meaning as the Examiner's suggested limitation of "based on the weight of the entire impact modifier," Applicant's amendments to Claim 1 therefore comply with a requirement of form expressly set forth in the Office action, in accordance with the provisions of 37 C.F.R. 1.116. Applicants therefore respectfully request entry of the above amendments under 37 C.F.R. 1.116, without need for also filing a request for continued examination under 37 C.F.R 1.114.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 3, 4, 7, 11, 13, 20, and 23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claim 1 has been rejected as indefinite for being unclear as to whether:

- the amounts of C₁₋₈ alkyl acrylate and cross-linking monomer used in the continuous acryl rubber core of B(i) (see Claim 1, lines 12-15, before entry of any amendments made herewith) are based on the weight of the acryl rubber core or the entire impact copolymer;
- the amounts of cyclic organosiloxane, organosiloxane cross-linking agent, and organosiloxane grafting agent of the discrete silicone rubber core of (B)(ii) (see Claim 1, lines 21-24, before entry of any amendments made herewith) are based on the weight of the silicone rubber core or the entire impact copolymer; and
- the amounts of C₁₋₄ alkyl methacrylate and the claimed one or more compounds used in shell (C) (see Claim 1, lines 31-32, before entry of any amendments made herewith) are based on the weight of the graft shell or the entire impact copolymer.

Claim 1, as amended, specifies that the weights of the above components are all based on the weight of the entire impact modifier as identified by the Examiner. Accordingly, Claim 1 should now be clearly recited and should be acceptable to the Examiner.

Reconsideration and allowance of Claim 1, so amended, and its dependent Claims 3, 4, 7, 11, 20, and 23, are respectfully requested.

Conclusion

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: June 9, 2011